DEC 2 8 2005 S

PTO/SB/25 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## MINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 36677.8

In re Application of: Smythe, et al.	
Application No.: 09/787,840	
Filed: March 22, 2001	
For: SYNTHESIS OF CYCLIC PEPTIDES	
The owner*, The University of Queensland, of	olication which would extend beyond ther 09/806,036 , filed by patent granted on said reference to greference application. The owner to such period that it and any patent
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted o extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any application, "as the term of any patent granted on said <b>reference</b> application may be shortened by any grant of any patent on the pending <b>reference</b> application," in the event that: any such patent: granted on the expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certific terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior	patent granted on said reference terminal disclaimer filed prior to the te pending reference application: t jurisdiction, is statutorily disclaimed ate, is reissued, or is in any manner
Check either box 1 or 2 below, if appropriate.	,
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, go etc.), the undersigned is empowered to act on behalf of the business/organization.	overnment agency,
I hereby declare that all statements made herein of my own knowledge are true and that all st belief are believed to be true; and further that these statements were made with the knowledge that will made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United Statements may jeopardize the validity of the application or any patent issued thereon.	Iful false statements and the like so
2. The undersigned is an attorney or agent of record. Reg. No. 42,903	
Markey	December 28, 2005
Signature	Date
Mark D. Moore, Ph.D	
Typed or printed name  HDEMESS1 00000026 081394 09787840	
65.00 DA	713-547-2040 Telephone Number
Terminal disclaimer fee under 37 CFR 1.20(d) is included.	·
Terrimial disclaimer les direct of CFR 1.25(d) is modeles.	•
WARNING: Information on this form may become public. Credit card informatic be included on this form. Provide credit card information and authorization o	on should not n PTO-2038.

Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/03/2006 02 FC:2814